

PROCEEDINGS OF THE COMMON COUNCIL

IN REGULAR SESSION,

TUESDAY, NOVEMBER 23, 1971

CITY OF FORT WAYNE, INDIANA

Journal of the Proceedings
of the Common Council

The Common Council of the City of Fort Wayne met in the Council Chamber Tuesday
evening, November, 23, A.D., 1971 in Regular Session. President
Phil A. Steigerwald in the chair, and Fuad G. Bonahoom Clerk, at the desk,
present the following members _____ viz:

Adams ✓ Dunifon ✓ Fay ✓ Geake NO Nuckols ✓
Rousseau NA Schmidt ✓ Steigerwald ✓ Tipton ✓

Absent 2 viz: Councilman _____

The minutes of the last regular November 9, 1971 session having been delivered to
the Council, were, on motion, approved as published.

CLERK-TREASURER'S, CITY CONTROLLER'S AND CITY TREASURER'S MONTHLY FINANCIAL STATEMENT

MONTH OF OCTOBER 19 71

Prescribed by State Board of Accounts

FUNDS	TOTAL JAN. 1 BALANCE AND RECEIPTS TO DATE	RECEIPTS FOR MONTH	TOTAL BALANCE AND RECEIPTS	DISBURSED TO DATE	DISBURSED FOR MONTH	TOTAL DISBURSEMENTS	TREASURER'S ENDING BALANCE	CONTROLLER'S ENDING BALANCE
	1	2	3	4	5	6	7	8
GENERAL	9,190,396.30	1,584,140.49	10,774,536.79	9,181,441.01	1,042,923.63	10,224,364.64		550,172.15
HUMANE TRUST	8,939.16	335.00	9,274.16	1,871.50	360.00	2,231.50		7,042.66
AVIATION	633,025.23	58,285.37	691,310.60	606,102.39	70,015.54	676,117.93		15,192.67
PARK - GENERAL	2,730,381.88	422,119.32	3,152,501.20	2,719,580.32	261,609.15	2,981,189.47		171,311.73
PARK TRUST	127,837.24	-----	127,837.24	8,393.13	2,491.95	10,885.08		116,952.16
PARK - CUMULATIVE BUILDING	199,703.20	-----	199,703.20	195,000.00	-----	195,000.00		4,703.20
REDEVELOPMENT GENERAL	201,948.43	-----	201,948.43	34,249.69	7,600.41	41,850.10		160,098.33
REDEVELOPMENT DISTRICT CAPITAL	585,818.51	49,161.95	634,980.46	173,769.11	90,834.88	264,603.99		370,376.47
CENTRAL CITY CODE ENFORCEMENT	32,075.22	-----	32,075.22	-----	-----	-----		32,075.22
CENTRAL CITY PARK LAND	27,276.16	-----	27,276.16	5,354.56	9,534.10	14,888.66		12,387.50
MOTOR VEHICLE HIGHWAY	1,504,156.39	214,453.30	1,718,609.69	1,519,536.32	168,135.67	1,687,671.99		30,937.70
PARKING METERS	231,713.11	109,830.09	341,543.20	172,530.38	114,482.89	287,013.27		54,529.93
SEWER RELIEF	1,818,043.86	-----	1,818,043.86	1,676,722.40	11,046.30	1,687,768.70		130,275.16
FLOOD PREVENTION & RIVER IMPR.	114,682.85	-----	114,682.85	51,563.92	7,140.39	58,704.31		55,978.54
PARKING GARAGE	75,968.92	6,081.23	82,050.15	67,260.86	13,383.38	80,644.24		1,405.91
PUBLIC LIGHTING	99,269.72	-----	99,269.72	43,236.21	12,770.07	56,006.28		43,263.44
EXPRESSWAY	78,020.79	-----	78,020.79	77,066.22	-----	77,066.22		954.57
ST. MARY'S RIVER IMPOUNDING	707,042.44	-----	707,042.44	700,000.00	-----	700,000.00		7,042.44
LOCAL ROAD & STREET ACCOUNT	1,890,661.36	28,514.33	1,919,175.69	1,719,233.35	273,666.40	1,992,899.75		(73,724.06)
BARRETT LAW MANDATORY JUDGMENT	30,345.67	-----	30,345.67	-----	30,345.67	30,345.67		-0-
FIRE PENSION	650,418.72	116,481.60	766,900.32	648,997.40	64,633.76	713,631.16		53,269.16
POLICE PENSION	794,332.47	128,617.52	922,949.99	793,384.63	68,671.92	862,056.55		60,893.44
SANITARY OFFICER'S PENSION	59,608.65	371.28	59,979.93	24,795.21	2,868.61	27,663.82		32,316.11
FORT WAYNE ART INSTITUTE	16,524.49	-----	16,524.49	16,524.49	-----	16,524.49		-0-
CUMULATIVE CAPITAL IMPROVEMENT	1,729,964.46	-----	1,729,964.46	1,278,157.32	43,859.34	1,322,016.66		407,947.80
CITY-COUNTY BUILDING	1,095,616.14	-----	1,095,616.14	834,669.47	15,031.42	849,700.89		245,915.25
R-51 FORT WAYNE NATIONAL BANK	235,492.67	-----	235,492.67	190,916.69	15,882.02	206,798.71		28,693.96
R-51 DEPOSIT HELD ACCOUNT	14,630.95	50.00	14,680.95	6,988.58	-----	6,988.58		7,692.37
R-51 ANTHONY WAYNE BANK	418,420.66	-----	418,420.66	418,420.08	-----	418,420.08		.58
R-52 LINCOLN NATIONAL BANK	452,535.23	65,349.97	517,885.20	410,368.29	-----	410,368.29		107,516.91
R-52 DEPOSIT HELD - LINCOLN NATIONAL	91,105.82	-----	91,105.82	89,480.50	-----	89,480.50		1,625.32
R-52A ANTHONY WAYNE BANK	522,186.20	-----	522,186.20	522,186.00	-----	522,186.00		.20
R-53 REVOLVING FUND	88,586.35	14,723.36	103,309.71	73,376.01	8,806.85	82,182.86		21,126.85
TOTALS								
ADJUSTMENTS (explain fully)								
BALANCE (Col. 7 must agree with Col. 8)								

CLERK-TREASURER'S, CITY CONTROLLER'S AND CITY TREASURER'S MONTHLY FINANCIAL STATEMENT

MONTH OF OCTOBER 19 71

Prescribed by State Board of Accounts

FUNDS	TOTAL JAN. 1 BALANCE AND RECEIPTS TO DATE 1	RECEIPTS FOR MONTH 2	TOTAL BALANCE AND RECEIPTS 3	DISBURSED TO DATE 4	DISBURSED FOR MONTH 5	TOTAL DISBURSEMENTS 6	TREASURER'S ENDING BALANCE 7	CONTROLLER'S ENDING BALANCE 8
PAYROLL	7,901,608.01	1,224,089.38	9,125,697.39	7,899,804.38	1,189,552.59	9,089,356.97		36,340.42
CITY UTILITIES - ELECTRIC	11,092,583.61	956,001.59	12,048,585.20	10,622,844.60	1,174,200.32	11,797,044.92		251,540.28
CITY UTILITIES - WATER	10,166,951.73	1,064,966.74	11,231,918.47	9,749,996.19	1,107,258.52	10,857,254.71		374,663.76
CITY UTILITIES - SEWER	12,146,576.52	1,313,263.92	13,459,840.44	11,804,790.93	1,383,509.21	13,188,300.14		271,540.30
WATERWORKS CONSTRUCTION-PH. I-1967	5,634.13	-----	5,634.13	5,634.13	-----	5,634.13		-0-
WATERWORKS CONSTRUCTION-PH. II-1968	749,214.60	130,000.00	879,214.60	727,949.52	129,623.05	857,572.57		21,642.03
MUNICIPAL UTILITIES PENSION	85,626.01	8,961.88	94,587.89	76,732.51	9,103.21	85,835.72		8,752.17
OMNIBUS CRIME CONTROL	118,559.27	23,507.02	142,066.29	92,241.52	8,281.20	100,522.72		41,543.57
CRIME CONTROL - POLICE LEGAL ADVISOR	11,423.10	-----	11,423.10	10,961.56	1,730.76	12,692.32		(1,269.22)
ACCIDENT REPORT ACCOUNT	20,059.12	1,195.00	21,254.12	4,281.04	594.36	4,875.40		16,378.72
SEWAGE WORKS CONSTRUCTION	3,399,527.52	400,000.00	3,799,527.52	3,243,173.51	397,652.08	3,640,825.59		158,701.93
INNER CITY STORM RELIEF PLAN	3,120,092.73	399,431.25	3,519,523.98	2,685,048.02	695,400.99	3,380,449.01		139,074.97
EMERGENCY EMPLOYMENT ACT	-----	9,668.00	9,668.00	-----	1,686.99	1,686.99		7,981.01
CHANGE	500.00	-----	500.00	-----	-----	-----		500.00

TOTALS

75,275,085.60 8,329,599.59 83,604,685.19 71,184,633.95 8,434,687.63 79,619,321.58

3,985,363.61

ADJUSTMENTS (explain fully)

BALANCE (Col. 7 must agree with Col. 8)



City of Fort Wayne

HAROLD S. ZEIS
Mayor

COMMUNICATION FROM THE MAYOR

To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Fay:

Today, November 17, 1971, I have approved the following ordinances passed by the Common Council at its regular meeting on November 9, 1971:

(Bill No. A-71-10-15)

APPROPRIATION ORDINANCE NO. A-134-71

AN ORDINANCE transferring funds within the 1971 Budget of the Board of Public Safety-Fire Department.

(Bill No. A-71-10-16)

APPROPRIATION ORDINANCE NO. A-135-71

AN EMERGENCY APPROPRIATION ORDINANCE amending Appropriation Ordinance No. A-103-70 by establishing a budget for the Police Merit Board for the year 1971.

(Bill No. A-71-10-17)

APPROPRIATION ORDINANCE NO. A-136-71

AN ORDINANCE transferring funds within the 1971 Budget of the Board of Public Safety-Fire Department.

(Bill No. A-71-10-18)

APPROPRIATION ORDINANCE NO. A-137-71

AN ORDINANCE transferring funds within the 1971 Budget of the Board of Public Safety.

(Bill No. A-71-10-19)

APPROPRIATION ORDINANCE NO. A-138-71

AN ORDINANCE transferring funds within the 1971 Budget of the City Controller.

(Bill No. S-71-10-20)

SPECIAL ORDINANCE NO. S-758-71

AN ORDINANCE approving contract with WAYNE ASPHALT AND CONSTRUCTION CO., INC. for resurfacing Calhoun Street.



(Bill No. S-71-10-22)
SPECIAL ORDINANCE NO. S-759-71

AN ORDINANCE approving contract with JOHN DEHNER, INC. for paving Abbott Street.

(Bill No. S-71-10-23)
SPECIAL ORDINANCE NO. S-760-71

AN ORDINANCE approving bid document Ref. No. 423 with BELL & HOWELL COMMUNICATIONS COMPANY for communications equipment for the Police Department.

(Bill No. S-71-11-05)
SPECIAL ORDINANCE NO. S-761-71

AN ORDINANCE approving contracts with NORTHILL CORPORATION and ENVIRONMENTAL PROPERTIES for Fire Protection Service.

(Bill No. R-71-11-15)
RESOLUTION NO. R-129-71

RESOLUTION nominating a trustee to be a member of the Fort Wayne Department of Redevelopment.


(Bill No. R-71-11-16)
RESOLUTION NO. R-130-71

RESOLUTION approving Board of Public Works Resolution authorizing City to make application to United States Department of Housing and Urban Development for grant in connection with the repair to Hurshtown Reservoir.

(Bill No. R-71-11-18)
RESOLUTION NO. R-131-71

RESOLUTION authorizing payment for repairs to City-owned vehicle.

Respectfully submitted,


Harold S. Zeis
Mayor

MADE A MATTER OF RECORD

DATE 11-23-71 RUAD B. DONAHOO, CITY CLERK

THE HOUSING AUTHORITY OF THE CITY OF FORT WAYNE, INDIANA

1628 CATALPA STREET

FORT WAYNE INDIANA 46804

November 18, 1971

Commissioners

N. L. Salon

Chairman

Robert Troutman

Jackson Lehman

Albert Jennings

Mrs. Edgar M. Elliott

Executive Director

Otto H. Adams

Counsel

Robert Meyers

Common Council of the City of Fort Wayne
Fort Wayne, Indiana

Gentlemen:

The Housing Authority of the City of Fort Wayne, Indiana is developing a housing project at St. Marys, Florence, Margaret and Oakland Streets pursuant to approvals already given by the Common Council of Fort Wayne. These approvals were contained in a Resolution Dated January 13, 1970 and a Cooperation Agreement dated January 13, 1970.

The Housing Act of 1937, as amended, provides that prior to the execution of an Annual Contributions Contract, the Local Authority shall notify the governing body of the locality of its estimate of the annual amount of payments in lieu of taxes which will be made for the project and of the amount of taxes which would be levied if the property were privately owned.

We wish to advise you that our estimate of the annual amount of payments in lieu of taxes is \$ 2673.43 and of the annual amount of taxes which would be levied were the property privately owned is \$ 845.08.

Sincerely yours,


Executive Director

MADE A MATTER OF RECORD

DATE 11-23-71 FILED IN 11-23-71 BY CLERK



BOARD OF PUBLIC SAFETY

City of Fort Wayne

COMMUNICATION FROM BOARD OF PUBLIC SAFETY

November 11, 1971

President of the Common Council
City of Fort Wayne, Indiana

Dear Sir:


Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolutions number 57-71/D, 58-71/E & 59-71/E.

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate same into the minutes of the next Common Council Meeting.

Respectfully submitted,

Melvin H. Heckman, Chairman
BOARD OF PUBLIC SAFETY

By:


George W. Bormuth, Exec. Sec'y.

mb



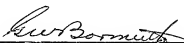
MADE A MATTER OF RECORD

DATE 11-23-71 FILED G. BONACONTI, CITY CLERK

RETURN CERTIFICATE

(Regulatory Resolution No. 57-71 / D, 58-71/E & 59-71/E

I hereby certify that I did this 11th day of
November, 1971 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, The City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana, respectively, a copy of the within
57-71/D, 58-71/E & 59-71/E
Regulatory Resolution No. _____ / ____ of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Secretary of said Board, in accordance with the provisions
of Section 20 (a) of Chapter 31, Municipal Code of the City
of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.



EXECUTIVE SECRETARY

REGULATORY RESOLUTION NO. 57-71/D

(Adopted November 10, 19 71)

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 § 122 of said chapter as so amended delegates to this Board authority to restrict parking near hazardous or congested places and designate curb loading zones

_____ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated November 9 & 10, 1971, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this Board by Section 121 § 122 of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14. 1961. it is hereby ordered, effective November 10, 1971, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. Truck Loading Zone 7:00 A.M. to 11:00 A.M.:

1. Calhoun Street - east side - from 20 ft. south of Murray St. to 40 ft. south thereof.

B. No Parking:

1. Harrison Street - west side - from Packard Ave. to 100 ft. north thereof.
2. Harrison Street - west side - from Packard Ave. to 90 ft. south thereof.
3. Hale Avenue - south side - from 170 ft. west of Reidmiller Ave. to 140 ft. west thereof.
4. Harrison Street - west side - from Douglas St. to 80 ft. north thereof.

REGULATORY RESOLUTION NO. 58-71/E

(Adopted November 10, 19 71)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to 90 minute parking 8:00 A.M. to 6:00 P.M. and stop intersection deletions

_____ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated November 9 & 10, 19 71, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14. 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective November 10, 19 71 and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. 90 Minute Parking 8:00 A.M. to 6:00 P.M.:

1. Forest Avenue - south side - from Kensington Blvd. to Penberton Dr.

B. Stop Intersection:

DELETE

1. Calhoun Street - STOP - for Tillman Rd.
2. Gary Street - STOP - for Tillman Rd.

REGULATORY RESOLUTION NO. 59-7E

(Adopted November 10, 19 71)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. 6-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to renewing and extending Regulatory

Resolutions No. 44-71/E and 46-71/E

; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated November 9, 19 71, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No 6-55. adopted FEB. 14. 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective Oct. 31 & Nov. 14

19 71 and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. Renew & Extend Regulatory Resolution 44-71/E
Stop Intersection:

1. Barr Street - STOP - at Murray St.
2. Barr Street - STOP - at Wallace St.

No Parking:

1. Rudisill Blvd. - south side - from Anthony Blvd. to Euclid Ave.
2. Packard Avenue - north side - from Fairfield Ave. to 245 ft. west thereof.
3. California Road - both sides - from Coliseum Blvd. to 1000 ft. north thereof.

(over)

No Parking 8:00 A.M. to 9:00 A.M. and 3:00 P.M. to 4:00 P.M.

DELETE

1. Hale Avenue - south side - from Reidmiller Ave. to St. Marys River.

B. Renew and Extend Regulatory Resolution 46-71/E
Stop Intersection:

1. Huestis Avenue - STOP - at Miner St.

No Parking:

1. Anthony Blvd. - east side - from Rudisill Blvd. to 170 ft. north thereof.



City of Fort Wayne

City Plan Commission
William J. Jones, Director
City-County Building
One Main Street
Fort Wayne, Indiana 46802

November 23, 1971

COMMUNICATION FROM CITY PLAN COMMISSION

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana

Gentlemen and Mrs. Fay:

At the regular meeting of the Common Council held November 9, 1971, a proposed ordinance repealing Annexation Ordinance No. X-19-68 was introduced and referred to the City Plan Commission for recommendation. Such proposed ordinance was designated as Bill No. X-71-11-08.

Transmitted herewith is the ordinance to be repealed as approved by the City Plan Commission at their regular meeting held November 22, 1971.

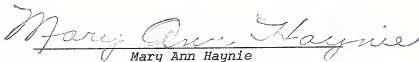
It is the recommendation of this Commission that the ordinance for annexation be repealed and that the ordinance be returned to the Common Council with the recommendation that it DO PASS.

It should be further noted that a proposed ordinance, Bill No. X-71-11-09, to annex territory to the City of Fort Wayne was also introduced and referred to the City Plan Commission for study and recommendation. This proposed ordinance would amend the description of the area being repealed by the attached ordinance.

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
23rd day of November 1971.


Mary Ann Haynie
Secretary



MADE A MATTER OF RECORD

DATE 11-23-71 RUAD G. BONARDON, CITY CLERK



The Three Rivers Coordinating Council

City-County Building

One Main Street

Fort Wayne, Indiana 46802

Elias G. Samaan
Executive Director

Phone 423-7309

November 17, 1971

Mr. Phil Steigerwald, President
Fort Wayne Common Council
Room 126 City-County Building
One Main Street
Fort Wayne, Indiana

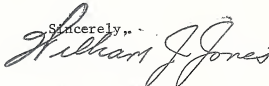
Dear Mr. Steigerwald:

On July 13, 1971, the City Council introduced an Ordinance regulating open burning in the City of Fort Wayne and referred the Ordinance to The Three Rivers Coordinating Council for a recommendation.

Immediately thereafter, the Environmental Control Board of The Three Rivers Coordinating Council, reviewed the proposed Ordinance and recommended that no action be taken on the Ordinance until such time as a total countywide plan is developed for Air Pollution Control.

As a result of that recommendation, the Coordinating Council returned the Ordinance to the City Council by letter dated September 15, 1971. Shortly after, the Ordinance was then returned to the Coordinating Council Office by the Clerk of the City Council and has been retained since that time.

Recently, the Clerk to the City Council requested the Ordinance be returned in order that it might be disposed of by the Council. As a result, The Three Rivers Coordinating Council, at its regular meeting held Tuesday, November 16th, reconsidered its recommendation, and by motion, returned the Ordinance to the City Council with the recommendation that the Ordinance be stricken from the records.

Sincerely,


William J. Jones
Administrator

WJJ:dm
Enclosure

MADE A MATTER OF RECORD

DATE 11-23-71 RODOLPH B. DONAHUE, CITY CLERK



The Three Rivers Coordinating Council

City-County Building

One Main Street

Fort Wayne, Indiana 46802

Elias G. Samaan
Executive Director

Phone 423-7309

September 15, 1971

TO: MEMBERS OF THE FORT WAYNE COMMON COUNCIL

Gentlemen and Mrs. Fay:

On July 13, 1971, the City Council referred General Ordinance No. Bill G-71-07-14 to The Three Rivers Coordinating Council for a recommendation. This Ordinance pertains to the "Open Burning" and prescribes certain regulations for the control thereof.

Upon receipt of the Ordinance the Coordinating Council referred it to the Three Rivers Environmental Control Board for its review and consideration.

After review by the Environmental Control Board it recommended that no action be taken on the Ordinance until such time that a Comprehensive Air Pollution Control Plan is prepared on a countywide basis. (See attached letters)

As a result of the above, The Three Rivers Coordinating Council, at its regular meeting held August 31, 1971, did approve the recommendation of the Environmental Control Board in requesting that all action on this Ordinance be deferred until the Air Pollution Plan is completed.

In making this decision The Three Rivers Coordinating Council determined that in order to be effective any Air Pollution Control Ordinances should be passed for the entire county rather than only one of the political jurisdictions within the Metropolitan Area.

If there are any questions or further information is needed, please advise.

Respectively submitted,

William J. Jones
William J. Jones
Administrator

WJJ:dm
Enclosures



The Three Rivers Coordinating Council

City - County Building

One Main Street

Fort Wayne, Indiana 46802

Environmental Control Board

Reply to: 315 Arcadia Court

Elias G. Samaan
Executive Director

Phone 423-7309

August 23, 1971

Mr. William J. Jones
Three Rivers Coordinating Council
6th Floor
City County Building
Fort Wayne, Indiana 46802

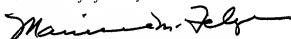
Dear Bill:

The Environmental Control Board has reviewed the proposed Fort Wayne General Ordinance prohibiting open burning (Bill No. G-71-07-14). A legal opinion was obtained from the TRCC Counsel, J. Philip Burt, which is attached.

At our meeting of August 21, 1971 this Board was in unanimous agreement with Mr. Burt's opinion. In addition there was great concern about the policy of one Governmental unit enacting piecemeal legislation at the very time a comprehensive plan is being developed for the entire county through the TRCC.

Also enclosed is the official copy of the proposed ordinance for your final action.

Sincerely yours,


Maurice M. Felger, Chairman

MMF:dh

cc: Dr. Oliver Kaiser
Dr. Paul Faeth

JACKSON, PARRISH & LARSON

ATTORNEYS AT LAW

1325 LINCOLN BANK TOWER

FORT WAYNE, INDIANA 46802

August 18, 1971

TELEPHONE

422-6402

AREA CODE 219

JAMES W. JACKSON
ROBERT J. PARRISH
JAMES L. LARSON
J. PHILIP BURT
ROGER S. MOLIERE

Dr. Maurice Felger
Three Rivers Environmental Control Board
Fort Wayne, Indiana

IN RE: Proposed City Open Burning Ordinance

Dear Dr. Felger:

We have now had an opportunity to review the proposed City ordinance dealing with open burning of combustible materials.

It is our opinion that the proposed ordinance may be inadequate in certain areas of operation although helpful in dealing with air contamination and pollution. Specifically, Section 2(a) of the proposed ordinance would arguably permit the burning of trash or refuse provided a stack or chimney was part of the burning apparatus. This situation could be more harmful than the open burning, for example, of leaves which action would be proscribed by the ordinance. Additionally, such burning as occurs in open campfire cookouts by Scout Groups, etc., might be added to the exceptions without damaging the effectiveness of the ordinance as a whole. Clarification of "combustible" material to specifically cover "refuse" products might also be helpful.

We would also advise that a first draft of a more comprehensive ordinance dealing with open burning as one of its constituent parts has been drafted and is under study preparatory to being offered for enactment. For the reason that the enactment of a more comprehensive ordinance is considered a more workable approach both from the standpoint of enforcement area-wide and funding, it is suggested that action on the proposed City ordinance be deferred until such time as the more comprehensive program can be advanced for passage.

Very truly yours,

JACKSON, PARRISH & LARSON


J. PHILIP BURT

JPB/ijh



City of Fort Wayne

City Plan Commission
William J. Jones, Director
City-County Building
One Main Street
Fort Wayne, Indiana 46802

November 23, 1971

COMMUNICATION FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

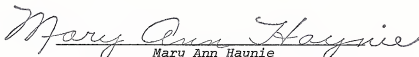
Gentlemen and Mrs. Fay:

Attached hereto is a resolution for the vacation of an unnamed street for Calvary Temple off North Clinton Street. This vacation was approved by the City Plan Commission at their meeting held November 8, 1971.

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
23rd day of November 1971.


Mary Ann Haynie
Secretary



MADE A MATTER OF RECORD

DATE 11-23-71 RUAD G. BONARDON, CITY CLERK

RESOLUTION

WHEREAS, Calvary Temple, Inc. of Fort Wayne, Indiana, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street in Allen County, Indiana, to-wit:

A platted but unnamed street 25 feet in width extending along the north side of Lot No. 5, Plat 2, Centlivre Park Addition to the City of Fort Wayne, from the west line of Clinton Street to the east line of Eastbrook Drive, Fort Wayne, Indiana,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Ind. Ann. Stat. § 53-744 (Burns 1964 Repl. Ed.); and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on January 17, 1966, at 7:30 o'clock p.m.; and,

WHEREAS, the Plan Commission did reconsider the petition at its regular meeting held November 8, 1971, for the reasons that the right-of-way requirements for the widening of North Clinton Street have been determined by the State Highway Commission;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission, upon reconsideration, makes no further recommendation but by this action points out to the Common Council that the original objection by the City Plan Commission to the vacation has been resolved;

BE IT FURTHER RESOLVED that by this action the Plan Commission determined that with the Clinton Street right-of-way being established by the State Highway Commission that the petition to vacate is not in violation of the Thoroughfare Plan;

BE IT FINALLY RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of streets and alleys in Allen County, Indiana.

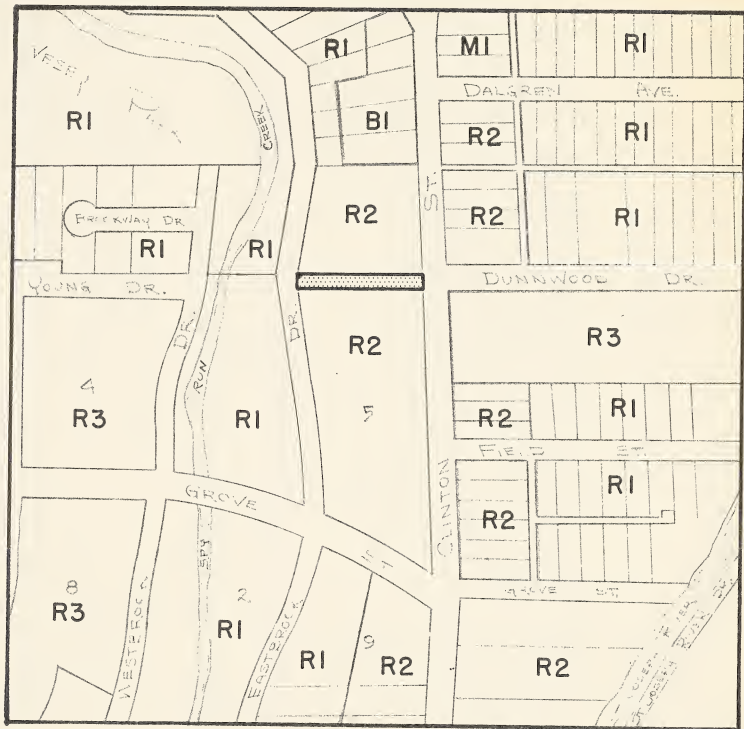
STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Mary Ann Haynie, Secretary of the Fort Wayne City Plan Commission, do hereby certify that the above is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held January 17, 1966, and as the same appears of record in the official records of said Plan Commission.

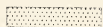
Dated the 8th day of January, 1971.

Mary Ann Haynie

Mary Ann Haynie, Secretary
Fort Wayne City Plan Commission



N



— STREET TO BE VACATED

Dec 11-05

BOOK PAGE A-9

The Council then adjourned.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said city and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday, the 23rd day of November, 1971; that the numbered ordinances ~~and resolutions~~ shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance ~~and resolution~~ respectively; and that all such records, proceedings, ~~ordinances and resolutions~~ remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 23rd day of November, 1971.

Fuad G. Bonahoom
City Clerk

SEAL